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March 4, 2008

VIA FACSIMILE (212-805-6382)

Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 660
New York, NY 10007

USDS SDNY
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DATE FILED: 3-11-08

Re: Ganu et al. v. Metropolitan College of New York, et al., 07 Civ. 09899 (VM)

Dear Judge Marrero:

I represent the plaintiffs in the above-referenced action and write to request leave from the Court to file and serve an amended complaint, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. The defendants recently served an answer to plaintiffs' Complaint on February 28, 2008. Today, March 4, 2008, I have come into possession of numerous documents showing that defendants not only discriminated against plaintiff, Benjamin Patterson, on the basis of his race and age, but also unlawfully terminated him in retaliation for taking an FMLA medical leave. In addition, it has come to my attention that Ruth E. Lugo, plaintiffs' supervisor, actively aided and participated in the alleged discrimination against plaintiff Patterson. As the issue was just joined last week, defendants would, in no way, be prejudiced should plaintiffs be allowed to amend their Complaint.

Accordingly, I respectfully request leave from the Court to file an amended complaint to add:

- a) a claim for unlawful FMLA retaliation, and
- b) Ruth E. Lugo as a defendant in her individual capacity.

Respectfully submitted,

Walker G. Harman, Jr.

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Cc: Susan K. Slim, Esq.
Rose Webber, Esq.

Request GRANTED. Plaintiff is authorized to file an amended complaint adding a retaliation claim and defendant as set forth in the letter above

SO ORDERED: 3-10-08

DATE VICTOR MARRERO, U.S.D.J.